

GREGORY P. O'HARA (SBN 131963)  
gohara@nixonpeabody.com  
GINA M. FORNARIO (SBN 246619)  
gforinario@nixonpeabody.com  
NIXON PEABODY LLP  
One Embarcadero Center, 18th Floor  
San Francisco, California 94111-3600  
Telephone: (415) 984-8200  
Fax: (415) 984-8300

Attorneys for Defendant  
FEDERAL DEPOSIT INSURANCE CORPORATION  
AS RECEIVER OF UNITED COMMERCIAL BANK

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THOMAS S. WU,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, in its capacity as receiver of  
United Commercial Bank, and FEDERAL  
DEPOSIT INSURANCE CORPORATION, in its  
corporate capacity,

Defendants.

Case No. 3:10-cv-04085 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER  
CONTINUING PRETRIAL DEADLINES  
BASED ON CONDITIONAL  
SETTLEMENT**

**STIPULATION**

This case arises out of the failure of United Commercial Bank ("UCB"). On March 15-16, 2011, the above-captioned parties attended mediation with Hon. Daniel Weinstein (Ret.). Since that time, pretrial deadlines in this case have been extended several times in anticipation of a global settlement involving the Parties to this matter, among others. After considerable negotiation, the Parties finalized and executed the terms of a global settlement which was approved by the

Bankruptcy Court on October 22, 2012, although a formal order has not yet been entered. At this time, the schedules of the Parties and their counsel necessitate a further extension of pretrial deadlines in order for the settlement to be completed.

WHEREAS the Parties believe that it would promote efficiency and the conservation of the Court's and the Parties' resources to continue pretrial deadlines at this time;

THEREFORE, the Parties, through their respective counsel of record, hereby agree and stipulate that:

1. The FDIC's responsive pleading deadline shall be continued from November 5, 2012, to February 1, 2013; and

2. The Case Management Conference and all attendant matters – including the filing of the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial disclosures under Rule 26(a) – shall be continued until after February 1, 2013, on a date to be set by the Court.

Dated: October 26, 2012

NIXON PEABODY LLP

By /s/ Gina M. Fornario

Gina M. Fornario  
*Attorneys for Defendant Federal Deposit Insurance Corporation, as receiver of United Commercial Bank*

Dated: October 26, 2012

LATHAM & WATKINS LLP

By /s/ Timothy P. Crudo

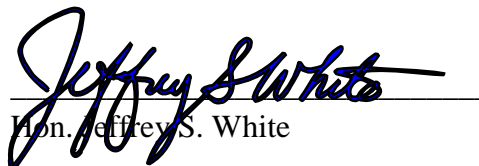
Timothy P. Crudo  
*Attorneys for Plaintiff Thomas S. Wu*

**[PROPOSED] ORDER**

The FDIC's responsive pleading deadline shall be continued from November 5, 2012, to February 1, 2013. The Case Management Conference currently scheduled for November 16, 2012, is hereby continued to March 1, 2013. The parties shall meet and confer and file a Joint Case Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before February 22, 2013.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 29, 2012

  
Hon. Jeffrey S. White